

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

June 28, 2002

IN RE:

PETITION OF GLOBAL TEL\*LINK  
CORPORATION FOR A ONE-TIME  
WAIVER OF TRA RULE 1220-4-2-.58(2)(e)

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DOCKET NO.  
02-00700

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ORDER GRANTING PETITION

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This matter came before the Tennessee Regulatory Authority (the "Authority" or "TRA") at the regularly scheduled Authority Conference held on June 18, 2002 for consideration of the *Petition of Global Tel\*Link Corporation for a One-Time Waiver of TRA Rule 1220-4-2-.58(2)(e)* ("Petition").

**Background**

Global Tel\*Link ("GTL") filed the *Petition* with the Authority on June 13, 2002, requesting a one-time waiver of TRA Rule 1220-4-2-.58(2)(e). This rule requires a carrier to list intrastate and interstate charges on subscribers' telephone bills within three billing cycles after provision of the associated telephone service.

GTL provides coin-operated telephone service in Tennessee--primarily to correctional facility inmates.<sup>1</sup> GTL has a billing services agreement with BellSouth Telecommunications, Inc. ("BellSouth") whereby inmates making collect calls to BellSouth subscribers are billed by BellSouth on behalf of GTL when accepting collect calls from inmates.<sup>2</sup>

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<sup>1</sup> *Petition of Global Tel\*Link Corporation for a One Time Waiver of TRA Rule 1220-2-.58(2)(e)*, 1 (June 13, 2002).

<sup>2</sup> *Id.*

The charges for the collect calls, which underlie the Petition, were accepted by BellSouth customers in December, 2001.<sup>3</sup> GTL submitted billing records of these calls to BellSouth for processing in January, 2002.<sup>4</sup> The subscribers were not billed for these calls within three billing cycles, i.e., on or before the March, 2002 billing cycle, due to what GTL describes in the *Petition* as “computer error and misunderstandings between GTL and BellSouth.”<sup>5</sup> At the June 18, 2002 Authority Conference, GTL, through counsel, stated that the billing problems resulted first from computer error.<sup>6</sup> GTL stated further that the computer error was then compounded by miscommunications between BellSouth and GTL, ultimately requiring a complete audit of GTL’s billings.<sup>7</sup>

In the *Petition* GTL values these calls at four hundred fourteen thousand, seven hundred fifty-three dollars and sixty-three cents (\$414,753.63).<sup>8</sup> GTL states that it will suffer “severe financial hardship if these calls are not billed.”<sup>9</sup>

### **Findings and Conclusions**

TRA Rule 1220-1-1-.05 requires a showing of good cause before the Authority may waive any TRA rule. GTL has pointed to several factors in its *Petition* and at the June 18, 2002 Conference as demonstrating good cause. GTL has stated that it will provide notice to affected customers of the delayed billings.<sup>10</sup> At the Conference, GTL’s counsel stated that the notice will be provided by means of a separately-mailed letter<sup>11</sup> rather than by means of the bill insert originally contemplated in the *Petition*.<sup>12</sup> This letter will notify the affected customers that their

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<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> See Transcript of Proceedings, June 18, 2002, pp. 70-71 (Authority Conference).

<sup>7</sup> *Id.* June 18, 2002, p. 71.

<sup>8</sup> *Petition*, 1 (June 13, 2002).

<sup>9</sup> *Id.*

<sup>10</sup> *Id.* at 2.

<sup>11</sup> See Transcript of Proceedings, June 18, 2002, p.73 (Authority Conference).

<sup>12</sup> See *Petition* at 2.

bill includes calls made in December 2001 and January 2002.<sup>13</sup> The letter will also notify customers that they may contact GTL at a toll-free number to make payment arrangements for these charges.<sup>14</sup>

BellSouth made an appearance through counsel at the June 18, 2002 Authority Conference and stated its position that “the calls were legitimate calls that should be billed” and that BellSouth did not oppose the *Petition*.<sup>15</sup> GTL and BellSouth each verified at the Conference that the bills are valid.<sup>16</sup> GTL affirmed further that there is no risk of customers being billed for services for which they have already paid.<sup>17</sup> GTL points out that this is the first and only time GTL and BellSouth have experienced the billing difficulties described in the *Petition* and the first time GTL has ever made a request for this type of waiver.<sup>18</sup> GTL states that the amount of time which has passed since the charges for the unbilled services were incurred is not unreasonable and points out that if bills go out with the June, 2002 billing cycle, the charges at issue will have been billed within 180 days of the time the calls were made.<sup>19</sup> GTL points out that it is typical for rules analogous to TRA Rule 1220-4-2-.58(2)(e) in other states in the BellSouth region to provide for a 180 day limitation on billing for charges such as these.<sup>20</sup>

Based on the particular facts presented by GTL in its *Petition* and at the hearing thereon, upon the relatively short amount of time that has passed since the charges at issue in this Docket were incurred, upon GTL and BellSouth’s mutual representations that the charges have been re-examined and are valid, upon the financial hardship that GTL will suffer if not allowed to bill

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<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> See Transcript of Proceedings, June 18, 2002, p. 73 (Authority Conference). The Consumer Advocate and Protection Division, Office of the Attorney General, also appeared at the June 18, 2002 Authority Conference and raised no opposition to the *Petition*, and stated that after reviewing the *Petition*, it would not intervene in this Docket.

<sup>16</sup> *Id.*

<sup>17</sup> See Transcript of Proceedings, June 18, 2002, pp. 71-72 (Authority Conference).

<sup>18</sup> *Id.* June 18, 2002, p. 68.

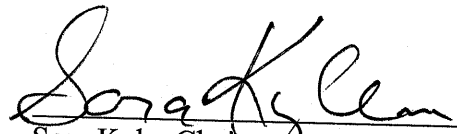
<sup>19</sup> *Id.* June 18, 2002, p. 69.

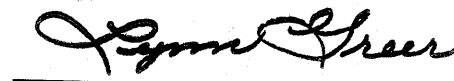
<sup>20</sup> *Id.*

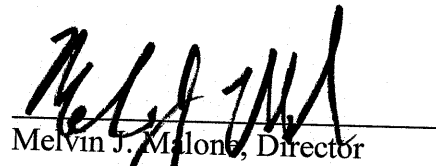
subscribers for these charges, and upon the separate notification and payment process to be instituted by GTL in collection of these charges, the Authority finds that good cause exists to waive the requirements of TRA Rule 1220-4-2-.58(2)(e) and allow BellSouth to bill GTL's customers for the calls described herein. This finding is based on the one-time occurrence of the unique circumstances presented in this Docket and should not signal to any person that the Authority has relaxed the requirements of TRA Rule 1220-4-2-.58(2)(e).

**IT IS THEREFORE ORDERED THAT:**

Based on the findings above which demonstrate good cause shown, Global Tel\*Link Corporation's *Petition of Global Tel\*Link Corporation for a One-Time Waiver of TRA Rule 1220-4-2-.58(2)(e)* is granted.

  
Sara Kyle, Chairman

  
H. Lynn Greer, Director

  
Melvin J. Malone, Director

ATTEST:

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K. David Waddell, Executive Secretary